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September 13, 2022

VIA ECF

Hon. Stewart D. Aaron
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Y.W. et al. v. New York City Dep't of Educ. et al.
Docket No. 22-CV-1036 (GHW) (SDA)

Dear Judge Aaron:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, representing the Defendants in the above-referenced action. I write jointly with counsel for Plaintiffs, Elisa Hyman, Esq. of the Law Office of Elisa Hyman, P.C. to respectfully request a 30-day adjournment of the initial conference in this matter from September 19, 2022 until October 19, 2022. The parties also request a corresponding adjournment of the date to submit the initial case management plan from September 12, 2022 to October 12, 2022. I apologize for the lateness of this request.

The parties request this adjournment in an effort to resolve the matter through settlement prior to the initial conference. Plaintiffs have agreed to provide a settlement demand on or before September 20, 2022 so that the parties can discuss settlement in good faith.

Defendants will request the certified record for SRO Appeal 21-172 and SRO Appeal 21-170, the appeals at issue in this matter, on or before September 16, 2022.

In addition, the parties have already determined that we have a significant dispute regarding the scope of discovery. Defendants assert that given that this case essentially consists of an appeal of an administrative decision, any discovery beyond the administrative record is neither necessary nor proportional to the needs of the case. In the alternative, Defendants submit that any discovery on Plaintiffs' purported systemic claims should be bifurcated and follow briefing on

Plaintiffs' underlying appeal of the administrative record. In contrast, Plaintiffs assert that, *inter alia*, they are entitled to discovery on systemic claims, and claims raised under other statutes that they tried to exhaust but which were (a) dismissed based on a lack of administrative jurisdiction or (b) that were not subject to exhaustion.

Plaintiffs submit that the parties' respective positions will be too extensive for the joint letter that is to accompany the proposed Rule 26(f) plan. As such, Plaintiffs request that each party be permitted to submit individual letters of no more than five pages to the Court regarding the scope of discovery in this case by September 28, 2022. Defendants, however, disagree and submit that the parties can outline their respective positions regarding the scope of discovery in a joint letter to accompany the case management plan by October 12, 2022. Defendants' position is that separate letter briefs at this time would be premature, given that the parties have not yet conducted their Rule 26 meeting nor served any discovery demands.

This is the third request for an adjournment of the initial conference; this is the first joint request for an adjournment. The first request for an adjournment was made by my office, prior to my assignment to this case, due to the departure of the Assistant Corporation Counsel previously handling this matter. This request was on consent, and was granted. The second requested adjournment was also made by my office and was due to my grand jury service during the entire month of August. Plaintiffs consented to each of the two prior adjournment requests. The present requested adjournment will not affect any scheduled dates, except as set forth above.

Accordingly, the parties jointly respectfully request an adjournment of the initial conference, from September 19, 2022, to October 19, 2022 or a date thereafter that is convenient for the Court.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Cindy A. Singh
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.
(via ECF)

Request GRANTED IN PART and DENIED IN PART. The initial pretrial conference currently scheduled for September 19, 2022, at 11:00 a.m. is rescheduled to October 19, 2022, at 2:00 p.m. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214)765-0479) and enter access code 6489745. In addition, no later than October 5, 2022, the parties shall file a joint letter no more than 10 pages outlining each party's respective positions regarding the scope of discovery along with a proposed case management plan. SO ORDERED.

Dated: September 13, 2022

Attn: cl an